

DISPOSITION: May 21, 1951. The House of Eden, claimant, having filed an answer denying that the product was a drug and that it was misbranded as alleged in the libel, but subsequently having withdrawn its claim and answer, judgment of condemnation was entered and the court ordered that the product be destroyed.

3450. Adulteration and misbranding of first aid kits. U. S. v. 97 Kits * * *.
(F. D. C. No. 30746. Sample No. 5007-L.)

LIBEL FILED: March 14, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 2, 1950, by the Kiffe Sales Co., from New York, N. Y.

PRODUCT: 97 *first aid kits*, each kit containing a plastic tube of 6 5 mg. amphetamine sulfate tablets, a plastic tube of 8 wound tablets, a plastic tube of 12 atabrine tablets, and a glass vial of iodine, at Boston, Mass.

Examination showed that many of the items were undergoing deterioration. The kits were made up for the use of the Armed Services during the last war and were quite old.

NATURE OF CHARGE: Adulteration. Section 501 (d), a substance containing isopropyl alcohol had been substituted for Iodine Tincture U. S. P., which does not contain isopropyl alcohol.

Misbranding, Section 502 (b) (2), the labels of the tablets in the kits failed to bear accurate statements of the quantity of the contents; Section 502 (e) (1), the label of the wound tablets failed to bear the common or usual name of the drug, namely, sulfadiazine; and, Section 502 (f) (1), the labeling of the tablets failed to bear adequate directions for use.

DISPOSITION: April 23, 1951. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

3451. Adulteration and misbranding of epinephrine bitartrate tablets. U. S. v. Graham Chemical Co. and Dr. Samuel D. Goldberg. Pleas of nolo contendere. Fine of \$2 against company and \$50 against individual.
(F. D. C. No. 28106. Sample Nos. 11257-K, 11295-K.)

INFORMATION FILED: May 17, 1951, Eastern District of New York, against the Graham Chemical Co., a partnership, Jamaica, N. Y., and Dr. Samuel D. Goldberg, a partner.

ALLEGED VIOLATION: On or about July 24, 1947, the defendants gave to a firm engaged in the business of shipping drugs in interstate commerce, a guaranty to the effect that all articles comprising each shipment or other delivery made by the company to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the law.

On or about October 29, 1948, and February 24, 1949, the defendants shipped under the guaranty to Long Island City, N. Y., two lots of *epinephrine bitartrate tablets*. As originally filed, the information charged that both shipments of the drug were adulterated and misbranded, but the adulteration charge was dismissed with respect to the shipment of October 29, 1948, and the misbranding charge was dismissed with respect to the shipment of February 24, 1949.

*See also No. 3450.